

the roads were operated separately under separate and distinct officials, seemed to be contradicted to-day by the testimony of one of Mr. Harriman's own officials. This was J. M. Kruttschnitt, director of maintenance and operation of all the lines. Lawyer Kellogg brought out from him that the general managers of the different Harriman railroads overlap. One case that was cited was the general manager of the division extending from Green River, which is east of Ogden, to Nevada. Part of that line is in the Union Pacific and part in the Southern Pacific. Mr. Kruttschnitt in reply to a question from Mr. Kellogg said that Mr. Harriman himself in a general way had prescribed such divisions. He also said he believed that the plan of putting the operation and maintenance of all the roads in the charge of one man was Mr. Harriman's.

N. Munroe, who is the freight traffic manager of the Union Pacific, testified that there was great competition between the Harriman lines and the Atchafalpa, the road in which the Harriman forces have been acquiring stock. He said that this competition was in service, though the rates were the same. The road that gave the quickest service got the business. The Union Pacific, Mr. Munroe's testimony showed, was crippled until Senator Clark's road was built from Salt Lake to Los Angeles. Harriman and Senator Clark joined forces, and with this road, as Mr. Munroe testified, the Harriman forces were now fighting on equal terms with the Atchafalpa for the southern California business.

Mr. Munroe, though he tried to be, was not the best witness that Mr. Harriman could have had. He was led into admitting that prior to the purchase of the Southern Pacific there was great competition between that road and the Union Pacific for Portland business. He tried to correct himself by saying that the same competition still existed. He also said that the Union Pacific watched its competitors closely to see how much business they were carrying across the continent.

"But you don't try to keep informed about the Southern Pacific," suggested Mr. Kellogg.

"Well, we don't regard that as a competitor," said the witness.

All of the Harriman officials examined to-day testified that they had nothing to do with the Texas lines. Mr. Harriman is president of some of those and Judge Kellogg, Mr. Harriman's counsel, is at the head of the others. It is the contention of the government that they are part of the Southern Pacific system, though Mr. Harriman's lawyers do not seem to want them to be so considered.

NEW LAW RATE SCHEDULES.

Interstate Commerce Commission decides on changes. Chicago, Jan. 10.—The Interstate Commerce Commission held a meeting here this afternoon after the hearing in the Harriman case and decided to make certain important changes in rate schedules based on the new rate law.

While the commission formally adopted this new schedule to-day, it will not be promulgated until the members reach Washington. Chairman Knapp and some of the other members will return there to-morrow and it is probable that the changes will be made known a few days.

Some of these changes have been made at the suggestions of the railroad themselves and some were decided on by the commission against the wishes of some roads. There have been special conferences here the last day or two between a committee appointed by the railroads and members of the commission for the purpose of making changes.

The commission also drew up a report on the car shortage problem, which Chairman Knapp said would also be given out as soon as the commission gets back to Washington.

BATTLE AT DOOR OF COURT.

Web Trial Fails to Rescue Two Prisoners From Detective Day.

Detective Joseph A. Daly of the Delancey street station was forced to draw his revolver at the door of the Essex Market police court yesterday morning to hold two prisoners against a crowd of their friends. The crowd, which was quickly turned back by the police, was so close that the prisoners inside the court knew nothing of the attack until it was practically over.

An incident of the strike among the barbers on the East Side was at the bottom of the trouble. Benjamin Salmonowitz, an officer of the union which is affiliated with the United Hebrew Trades, had been arrested by Daly at 200 East Broadway, the headquarters of the union, on complaint of Mrs. Jennie Baker, who was assaulted in her husband's shop, at 203 Broome street. The woman was knocked down, kicked and dragged into the street by the hair. She was unable to appear in court yesterday morning, so Daly secured an adjournment of two weeks. Salmonowitz meanwhile is out on \$1,000 bail.

On both sides the word of witnesses in court. When the two parties reached the street an argument sprang up between one of Mrs. Baker's witnesses, Max Smul, and Louis Schneider, of 107 Ludlow street, a sympathizer of the union. Blows were exchanged and Schneider, who is much the larger, pounded on the head and shoulders of Smul with a billy. However, more than kept up his end with his fists.

Daly shouldered his way through the crowd and placed both men under arrest. The adherents of both sides made for the detective and tried to drag his prisoners away from him. The detective backed up to the door of the court and the crowd cleared a circle with his billy. The crowd pushed in again and tried to take the club. Then Daly drew his revolver.

Then Daly fell back. Daly shoved Schneiderman and Smul into the hallway of the court house. James H. Post, in charge of the court squad, came out on a run at the head of a dozen policemen. The prisoners were hustled inside and the sergeant and his men cleared the street. Magistrate Monahan Schneiderman and Smul \$50 each for fighting.

HAS THE EVIL EYE.

No. 3 Turn It On Mrs. McKinley's Pig and the Pig Dwindles.

MORRISTOWN, N. J., Jan. 10.—Mrs. William McKinley of Madison complained to the Morris County Society for the Prevention of Cruelty to Animals that an Italian known as No. 3, employed on Florham Farm, Hamilton Mck. Twombly's estate, was exercising the evil eye on her sow and pig. Agent Vandeyo, who was sent to investigate, found that the Italian was a neighbor of Mrs. McKinley and according to an itemized list of the grievances suffered by her at the hands of No. 3, her house had been stoned, her chickens stolen and her pigs and chickens poisoned.

But the most serious accusation made by Mrs. McKinley is that No. 3 has the evil eye and that by his use he has caused the McKinley pig to dwindle to a skeleton and has caused the family cow to go dry in the middle of the season when milk sells for ten cents per quart. Agent Vandeyo told the woman he could do nothing unless Mrs. McKinley and some other witnesses saw No. 3 actually perpetrating his misdeeds, which is a very difficult thing to do. McKinley said was impossible. She added that she hoped the justice of heaven would be so kind as to get Mr. Morris and his

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DEFENDS FEDERAL JUDGE.

Sharp Speech by Judge Wallace at a Dinner to Justice Thomas.

A dinner was given last night at the Hotel Astor to Edward B. Thomas and Thomas I. Chaffield by a number of Brooklynites and lawyers. The occasion was the recent election of Justice Thomas to the Supreme Court in Kings county and the succession of Mr. Chaffield to Justice Thomas's place on the bench of the United States Circuit Court.

Judge William J. Wallace, senior member of the United States Circuit Court of Appeals, one of the speakers, after praising Justice Thomas for his fearlessness in expressing his personal views went on:

"I wish to deprecate and denounce the recent attempts that have been made to secure Federal Judges' acquiescence in their having seen fit to bow closely to the line of their judicial duty."

"Only a day or two ago I read in some newspaper an article, evidently inspired from Washington, in which some Federal Judges sitting in a Western State were severely criticized because they had had the temerity to declare in open court that a certain act of Congress relating to labor. They were criticized as incompetent, as having been the selection of wretched capricious men owing their appointments to political friends."

"These critics ask, gentlemen, who are these judges? They should set their opinions against those of the constitutional lawyers of the United States Senate? And I ask you, in return, who are these critics that they should flaunt their opinions against those of judges who have devoted years, many years, to the study of the very problems before them?"

"Constitutional Senators? Bah! I never knew one who knew anything else than that name implies. In fact, I never knew one of them that ever knew any real law. With few exceptions, I say, I never knew one find among the constitutional Senators or lawyers who would dare oppose a labor measure, or any measure strongly supported by a labor union. And yet we are told that these judges should not dare to oppose what is known to be the deliberate opinion of these constitutional legislators."

"Gentlemen," continued Judge Wallace in deliberate tones, "while I agree with the idea that no act of Congress should be set aside as unconstitutional by any judge unless it is clearly so, yet I want to tell you that I despise the man who in such a case would prostitute his office to the lusts of his passions or his convictions. And I want to assure you that in my guest to-night, Justice Thomas, the Second Judicial Department will acquire a man and a labor union who will stand up for either executive or legislative action."

Judge Wallace was warmly applauded as he sat down. Other speakers besides Justice Thomas and Chaffield were Judge Holt of the United States District Court, who presided, and Abraham I. Elkus. Among those present were five Federal District Judges and one Justice, Edward E. McCall of the Supreme Court.

PLAIN CLOTHES MAN ACCUSED.

Walsh is Held in Heavy Bail for Feloniously Assaulting a Woman.

Thomas G. Walsh, a plain clothes policeman of the West Forty-seventh street station, was up in the West Side court yesterday for felonious assault on Mrs. Maria Johnson, keeper of a furnished room at 221 West Forty-eighth street. The assault is alleged to have occurred in Mrs. Johnson's house early on Wednesday morning. Policeman Frank Rinn of the Far Rockaway station, who is a son of Deputy Rinn, was called to the scene. Walsh was in court, though he was not under arrest. Inspector Walsh is pressing the case against Walsh.

When Magistrate Whitman had heard the case against Walsh he adjourned the hearing until Friday afternoon to give the defense a chance to prepare an answer. Walsh was held in \$5,000 bail.

The police of the court squad were talking with Walsh and allowed him to stand talking to his friends instead of looking up as they would have done with any other prisoner. This angered Magistrate Whitman. After he had waited a reasonable length of time he said Sgt. Mehan before him.

"Sergeant," he said, "I want you to understand that my commitment is no joke. I want this man locked up at once!"

Walsh was taken to the West Side station and was held in the force only a year or two. He has done practically nothing since he became a policeman but has been a streetwalker. His arrests have brought forth some very severe criticisms from the Magistrates at times.

MISS SCHULTZ MISSING.

Part of Her Key Found in Front Door—She Had Been Followed by Chinaman.

The Newark police and the authorities of neighboring towns are looking for Catherine Schultz, 21 years old, a maid employed by Mrs. Katherine Miller, at 27 Fourth avenue, Newark, who disappeared last Sunday. She was seen last by Mrs. Jennie Hulse of 30 Nichols street, a cousin, who left her to board a Broad street trolley car for home.

Mrs. Miller did not return home that night and Mrs. Miller notified the police the next day. She said the key the girl carried was broken, part of it in the door and another piece lying on the stoop. Mrs. Miller said she had reason to believe the girl was being held in some place against her will. She produced a card of the Metropolitan Photograph Company of New York, which she discovered among Miss Schultz's belongings. On the back of the card had been written "Meet me at the corner at 730 E. St. You know where I mean." There was no signature.

Mrs. Miller said she did not know of any male acquaintances Miss Schultz had. She stated that she learned that the girl did not have any friends outside of the circle of her relatives.

The Schultz girl told her mistress a few days before she went away that a Chinaman had followed her from downtown to the house. It is said the missing girl frequently told Mrs. Miller that a Chinaman of whom she had been told to visit all the chop suey restaurants in the city.

Miss Schultz is of a slight figure. She was dressed when she went away in a black skirt, a light blue silk waist, a short black velvet coat and a gray hat.

Correct Address for Mrs. McKinley

12 is the sale price of many Suits, Overcoats and Raincoats that were good values at the former prices of \$18 and \$20.

George H. Benjamin

Broadway Cor. 26 St.

DIRECTOR PEABODY TO SAIL.

WILL START FOR EUROPE NEXT WEEK SATURDAY.

Details on Behalf of Harriman, Rogers, Frick and William Rockefeller. They Are Going—A Rich Field Awaits the Commerce Commission's Return.

Charles A. Peabody, president of the Mutual Life Insurance Company, is to sail for Europe on Saturday, January 19. It has been known for some time that Mr. Peabody was to make a trip abroad, but the date was not definitely announced until yesterday.

Mr. Peabody is a director of the Union Pacific and Illinois Central railroads and it has been understood that he could give some interesting information to the Interstate Commerce Commission about the way E. H. Harriman secured control of the Illinois Central.

An erroneous report from Chicago that the Interstate Commerce Commission had asked for or would ask for writs of ne exeat to keep E. H. Harriman, H. C. Frick, H. H. Rogers and William Rockefeller in the country brought out some emphatic statements yesterday that they were not directors of the country. Mr. Frick and Mr. Rogers were particularly earnest in their denials. Both Mr. Rogers and Mr. Rockefeller had been reported by one of the Wall Street news agencies as having arranged to go away. On behalf of his father William G. Rockefeller said there was absolutely no truth in the report, and Mr. Rogers sent out a denial in practically the same words and with quite as much emphasis.

"You couldn't pull me out of this country with a yoke of oxen. No writ is necessary to keep me here," Mr. Frick said. "They needn't worry. I do not contemplate going any further out of the commission's jurisdiction than I am at present."

Mr. Harriman was not at his office, nor, it was said, was he able to come down this week. Alexander Miller, secretary of the Union Pacific, said that Mr. Harriman had not the slightest intention of going away.

"I guess," he added, "Mr. Harriman would be quite content if he were well enough to get down to his office."

It was learned yesterday that very important information regarding some of the most important financial deals of the past few years had been laid before the Interstate Commerce Commission. Some of the information does not affect any of the men named above and generally, it was said, Mr. Frick and Mr. Rogers are not greatly concerned in it. But all of it bears on Mr. Harriman's doings. Those who are brought in with him differ in the various transactions and constitute a much larger number than Mr. Rogers said.

The information is of such a nature as to suggest inquiry into the proposition whether or not Mr. Harriman and other financiers have united to do within six months. The authorities must act on the example of discontinuing the use of the drug. Those who find that they cannot do without it within six months will be deprived of rank and office. Teachers, scholars, soldiers and sailors are allowed three months, which is to be discontinued. The most powerful man in China, Vice-Chairman Yuan-Shih-Kai, is the leader in the movement.

In the British House of Commons on Nov. 27, Sir Edward Grey, Foreign Secretary, in answer to a question said that Great Britain would support any anti-opium action that China might take.

EDNA MAY IN A NEW PLAY.

Audience Cheers Her Reappearance in London After Exile.

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Mrs. Roth sued out a habeas corpus, commanding her former husband to produce the child. He obeyed the order, but was dismayed when Justice Amend postponed the hearing until to-day, and ruled that Mrs. Roth should have the care of the child meanwhile. Roth tried vainly to prevent Mrs. Roth from taking the child, and the latter screamed and cried vigorously, being taken from him. Two women friends of Mrs. Roth kept the cigar man at bay as the mother rushed out of the building with the howling child in her arms.

RULES FOR RUSSIAN ELECTIONS.

Police Have Orders to Keep Close Watch on Public Meetings.

Special Cable Dispatch to The Sun.

ST. PETERSBURG, Jan. 10.—The chiefs of police have received instructions regarding the supervision of the electoral campaign in their respective districts. The voting register, which is now closed, gives the total of the electors in the capital as 136,171.

Meetings may be held if the police are satisfied of the character of the applicants, after twenty-four hours' notice. They may be attended only by the electors in the districts where they are held.

The district chief of police must personally attend each meeting with an adequate force with him and be the judge of whether or not the meeting is conducted with propriety. He must disperse it if any disorderly cry is uttered or if the speeches are calculated to incite one section of the population against another, or if money is collected or if non-electors are present. He must also furnish a personal report of the meeting the same night to the prefecture.

The first meeting was held last night in the Narva district, near the Putiloff Iron Works, and was closed by the police because of a speech by a Social Democratic elector, who denounced the illegality of the present Government.

The present indications are that the Social Democrats and the labor parties far outnumber the other parties in St. Petersburg.

OPUM DEALERS COMPLAIN.

British Merchants Seek Indemnity Because of China's Anti-Opium Law.

Special Cable Dispatch to The Sun.

SHANGHAI, Jan. 10.—British opium dealers are seeking indemnity from the Chinese Government for losses they will sustain under the operation of the new anti-opium law. They say that the export of opium from India amounts to 75,000 chests annually, valued at \$28,850,000, and that enormous stocks are on hand at Shanghai and Hongkong.

The Emperor of China issued an edict on Sept. 21, 1906, that the use of opium in China should cease within ten years, and that the Government was to enforce the law by regulations for the effective administration of the law.

Nov. 21 regulations were issued and proved to be more severe than any previously issued on the subject in China. There are eleven of them. The cultivation of the opium plant is to be discontinued by the end of ten years. No new ground can be placed under cultivation, and the ground under cultivation now must be reduced to one-third of its present area. All persons who use opium must be registered, and so must the quantity each uses. Only a registered person can buy opium.

No one may begin the use of opium after the issuance of the regulations. Shops that sell opium are to be closed gradually. All opium dens are to be closed within six months. The authorities must act on the example of discontinuing the use of the drug. Those who find that they cannot do without it within six months will be deprived of rank and office. Teachers, scholars, soldiers and sailors are allowed three months, which is to be discontinued. The most powerful man in China, Vice-Chairman Yuan-Shih-Kai, is the leader in the movement.

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WESLEY GAINES FIGHTING MAD.

THOUGHT MAHON OF PENNSYLVANIA HAD GIVEN HIM THE LIE.

With Hair Bristling and Fist Doubled Up He Tried to Get at Mahon, but He Stopped by James of Kentucky—The Trouble Ends in Handshaking and Smiles.

WASHINGTON, Jan. 10.—John Wesley Gaines, Representative from Tennessee, his white hair bristling with indignation and the flat of his strong right arm doubled up menacingly, dashed into the area in front of Speaker Cannon's rostrum to-day with the purpose and intent of doing bodily harm to Thaddeus M. Mahon, Representative from Pennsylvania. Representative Ollie James of Kentucky, who doesn't look a bit like his front name, interposed his friendly, and burly figure in the path of Mr. Gaines, and according to a primary natural law Mr. Gaines came to a full stop.

There was trouble for a minute or two, for Mr. Gaines was determined not to be cheated of his prey. But Mr. James, who is a bosom friend of Col. Jack Chin and knows a thing or two in the jujitsu line, managed, with the assistance of several other Democratic members, to subdue the fiery Tennesseean. A few minutes later hostilities were resumed, but a treaty of peace was ultimately arranged and the trouble ended in handshaking and smiles.

It all came about through the ambition of Mr. Gaines to secure a more faithful and general attendance of members at the opening of the House. To this end he introduced a bill requiring the enforcement of the law passed in 1854, "docking" members for unexcused absence.

Speaking in advocacy of this measure Mr. Gaines asserted that Mr. Mahon was absent from his duties 95 per cent. of the time. This Mahon resented, saying he was in the House or in his committee room every day and that Mr. Gaines' charge was "absolutely untrue" and he knows it.

Then the real row began.

"You've got to make it stand good outside of this House," cried Mr. Gaines excitedly, and Mr. Mahon retorted that the charge was "absolutely untrue."

Members began to rise up and take notice. Representative Mann of Illinois, who was presiding, pounded for order so vigorously that the head of his gavel flew halfway across the hall. When permitted to proceed Mr. Mahon said other things not calculated to mollify Mr. Gaines.

"When any member of the House, I do not care who he is, charges me with being absent 95 per cent. of the time it is an absolute and unqualified falsehood," he declared.

"I do not propose to stand that," shouted Mr. Gaines, and he rushed down the aisle and across the area toward Mr. Mahon.

Resuming the thread of his remarks after Mr. Gaines had been returned to his place, Mr. Mahon said that the gentleman from Tennessee must not make such a charge against him, but at the same time absolved Mr. Gaines from any intent to state an untruth.

Mr. Gaines evidently misunderstood this, for with deliberation and comparative calm he said:

"You will have to answer somewhere else for that. I do not take that from any man. I respect your gray hairs, but you must be stepped over the line to-day, my friend."

With that he disappeared into the cloak room as Mr. Mahon replied indifferently: "You can leave the gray hairs out. I do not care anything about that."

At this point friends went to work to compose the affair. Representative Adamson of Georgia acted as peacemaker in chief. He found Mr. Mahon willing to say that he imputed no untruthfulness to Mr. Gaines and then caught up with Gaines as he was about to leave the hall. He insisted that Mr. Gaines must meet the explanation in the same spirit and Mr. Gaines graciously consented.

Concluding his expression of regret at his words and action, Mr. Gaines said: "I hope that satisfies the gentleman."

"Certainly," replied Mr. Mahon heartily; "that's all right."

And while everybody applauded and laughed, he walked across to the Tennesseean and they clasped hands warmly. There was more applause and the House resumed ordinary business.

Then Mr. Smith of Iowa remarked: "The consideration of the Army bill, followed by that of the Fortification bill, seems to have aroused the combative instincts of members. I would not interrupt this era of peace and good will by asking the committee to proceed further at this time, and therefore move that the committee rise."

EUROPE AND ASIA SHAKEN.

CHRISTIANIA, Norway, Jan. 10.—The spate of reports from the town of Arvika announces that severe earthquakes shook the town of Arvika on Friday, Jan. 4, and that the vibrations continued for more than two minutes and were severe in